

APPENDIX B POLICY CONSISTENCY

- General Responses
- Part I - Applicable Countywide Plans and Policies
- Part II - Applicable Coastal Plans and Policies
- Part III - Applicable Inland Plans and Policies



GENERAL RESPONSES

The following general responses are referenced throughout Appendix B:

1. **Locating improvements on agricultural land.** While the proposed Grading and Stormwater Management Ordinances will still allow for project-specific review regarding the siting of improvements on agricultural land, the policy of restricting development on slopes of 30 percent or greater could have the unintended consequence of forcing development on terrain which is less steep. Often times this terrain is more suitable for farming. While mitigation measures AG-1(c) and AG-2(a) will reduce this impact, it is still considered Class I, *significant and unavoidable*.
2. **Unique and sensitive habitats.** The proposed Grading and Stormwater Management Ordinances encourage development to preserve and protect sensitive habitat areas as part of the project design. Sensitive habitat areas can include, but are not limited to, oak woodlands, wetland areas, marine fisheries, and habitat capable of supporting sensitive plant and animal species. Future development under the proposed ordinance has the potential to locate development and improvements on unique or sensitive habitats throughout the County. The ordinance and this EIR set forth mitigation measures to reduce impacts to sensitive habitats and biologically sensitive areas. Individual development projects which are subject to CEQA will be considered for separate environmental review. Project specific mitigation measures will be developed through that process.
3. **Watercourses and riparian areas.** The proposed Grading and Stormwater Management Ordinances will encourage stream protection and restoration by offering limited exemptions from grading permit requirements for this type of work. Additionally, alternative processing through the NRCS and RCD will be allowed in most situations where restoration, streambank stabilizing, and upland revegetation is proposed.
4. **Wildlife corridors.** The proposed Grading and Stormwater Management Ordinances encourage development to preserve and protect sensitive habitat areas, such as streams and other drainage ways. These features typically act as wildlife corridors. Project-specific environmental review would consider an individual project's impact on identified wildlife corridors. Appropriate mitigation measures will be applied through the environmental review process.
5. **Archaeological resources.** The proposed Grading and Stormwater Management Ordinances will provide for consideration of archaeological sites and historic resources through the project-specific environmental review process. Additionally, should unforeseen archaeological resources be discovered during grading/construction, ordinance standards require that work stop immediately and that the findings be reported to the Environmental Coordinator for proper disposition.
6. **Expansion into rural areas.** While the proposed Grading and Stormwater Management Ordinances will provide for aesthetic mitigation measures to ensure that rural development is consistent with the pastoral nature of its surroundings, it does not address the growing trend of "sprawl"-like development occurring in the rural areas. This is more feasibly addressed through comprehensive general plan updates, such as the County's Rural Area Plan which is currently in process. New residential development is subject



to Title 26 – Growth Management Ordinance. Proposed revisions to Title 26 would tie building permit allocations to available resources and strategic growth policies.

7. **Effects on the economy.** The proposed Grading and Stormwater Management Ordinances will remove an obstacle to expansion of agricultural development in the Coastal Zone, which could benefit the County's economy.
8. **Air quality.** The proposed Grading and Stormwater Management Ordinances will include provisions for protecting air quality contamination resulting from fugitive dust and naturally occurring asbestos.
9. **Development in rural areas.** The Grading and Stormwater Management Ordinances will not affect existing General Plan, Land Use Ordinance, and Coastal Zone Land Use Ordinance features relating to zoning, allowed uses, density, or intensity. As such, development consistent with the General Plan and county ordinances will continue to occur. This means that development of low density residential and other non-agricultural uses may continue in rural areas. As the Grading and Stormwater Management Ordinances have a focused purpose of reducing construction and post-construction discharges, it would be infeasible to address broader land use policies regarding strategic growth under this amendment. While the Grading and Stormwater Management Ordinances do not directly address urban sprawl, it also does not impede the implementation of policies, principles, and actions that are designed to discourage and reduce sprawl. Such policies may be feasibly established through comprehensive General Plan updates, such as the Conservation and Open Space Element and Rural Area Plan, both of which are presently in process.
10. **Greenhouse gas emissions.** Presently, specific thresholds for greenhouse gas emissions have not been established by the state. The County will be implementing these policies once directives have been issued. Projects will be evaluated on an individual basis for consistency with greenhouse gas policies, once such policies have been put into place. Appropriate mitigation measures will be assigned through the environmental review process.
11. **Project-specific environmental review.** Projects subject to the proposed Grading and Stormwater Management Ordinances will continue to be reviewed on an individual basis under the California Environmental Quality Act. Appropriate mitigation will be applied on a project-by-project basis.
12. **No net loss.** The Grading Ordinance does not include specific requirements relating to oak tree removal or impact or loss of or impact to wetlands. These policies, however, are implemented on a project-by-project basis through the environmental review process. Requiring protection of oak trees by ordinance is recommended under Implementation Strategy BR 3.1.1. This is outside of the purview of the Grading and Stormwater Ordinance, but if this policy is adopted, it would likely be implemented by separate ordinance.
13. **Reduction of discharges.** The proposed Grading and Stormwater Ordinance will require that projects implement additional construction phase and post-construction Best Management Practices (BMPs). These BMPs will be designed to reduce the potential for erosion, sedimentation, and discharge of non-stormwater pollutants. As a result, water quality of surface waters would be expected to improve.



14. **Reduction of visual impacts.** Introducing the 30 percent slope limitation will have the secondary effect of reducing potentially significant visual impacts from development on steep slopes. While incorporating specific visual resource protection requirements is outside the scope of the Grading and Stormwater Management Ordinances, this can be accomplished through project-specific environmental review. Additionally, mitigation measures provided in Section 4.10, *Visual Resources*, will ensure that any visual resources that could be impacted as a result of the proposed ordinance revisions would be fully mitigated below a level of significance. Refer also to General Response 11 for discussion on project-specific environmental review.
15. **Streamlining through exemptions and alternative review.** The proposed Grading and Stormwater Management will facilitate a streamlined process for certain classes of agricultural grading. These projects are either exempt from County permits or are required to go through the alternative review process. Applicants for exempt projects will be required to complete a form for County verification and will not require a lengthy review process. Applicants for alternative review projects will process their entitlements through the Natural Resources Conservation Service or one of the County's two Resource Conservation Districts. This process is more collaborative and generally less costly and time consuming. Additionally, projects which involve stream restoration and revegetation where permits must already be obtained from other local, state, or federal agencies may be exempted from a County grading permit. These options will have the affect of streamlining grading requirements for uses which are unlikely to cause substantial impacts to the environment.
16. **Fire safety.** All new habitable construction is subject to review and approval of a fire safety plan by the local fire agency. Clearance of vegetation in compliance with fire agency recommendations is exempted from grading ordinance provisions in most circumstances.
17. **Planning area standards.** Regardless of whether a project is subject to the proposed Grading and Stormwater Management Ordinances, compliance with Planning Area Standards is required. Where provisions of the Grading and Stormwater Management Ordinances conflict with the Planning Area Standards, the Planning Area Standards shall prevail.
18. **Development near Environmentally Sensitive Habitat Areas (ESHAs).** Designated ESHA is only found in the Coastal Zone. Standard exemptions and agricultural exemptions do not apply to projects within 100 feet of mapped ESHAs, unless prior authorization for the work has been granted through a land use permit / coastal development permit. Additionally, any grading work (development) to occur within an ESHA requires prior Land Use Permit / Coastal Development Permit approval. In these circumstances, impact upon the coastal resource will be analyzed through the land use permit process. Such work will not be authorized if necessary findings cannot be made, and if the project would be inconsistent with the Local Coastal Program or the California Coastal Act. The environmental conditions on individual project sites will be evaluated through the environmental review process. In rare cases where a prior land use permit is not required, coastal development permit approval may occur through the grading permit or alternative review process. In any case, no grading or site work would be permitted within 100 feet of



an ESHA unless a setback modification has been granted through the land use permit process.

19. **Improvements to water quality.** The proposed Grading and Stormwater Management Ordinances will decrease erosion, sedimentation, and transmission of other contaminants into the stormwater conveyance system. This will have the effect of improving water quality in all water bodies, including Morro Bay.
20. **Geology.** Engineered grading is required for projects in a Geologic Study Area, on slopes of 20 percent or greater, or a volume of 5,000 cubic yards or greater. Additionally engineered grading is required for grading projects within an ESHA, and in other circumstances where the Director believes there may be geologic concerns. Projects requiring engineered grading must submit both a geotechnical engineering and an engineering geology report. The recommendations of those reports are to be incorporated into the design of the grading. Inspections, as necessary, must be conducted by the geotechnical engineer and/or the engineering geologist to ensure compliance with their respective reports.



APPENDIX B - PART I: APPLICABLE COUNTYWIDE PLANS AND POLICIES

- Ag/Open Space Element
- Design Guidelines
- Conservation and Open Space Element [Draft]
- Economic Element
- Environmental Plan
- Framework for Planning – Strategic Growth Policies
- Safety Element



1. AGRICULTURE & OPEN SPACE ELEMENT

The Agriculture and Open Space Element was adopted in 1998, and serves as a comprehensive update of the County's 1972 Open Space Element. The goals of this Element include the conservation and protection of agricultural resources, support for county agricultural production, the identification and protection of open space, management of open space, and the prevention of urban sprawl.

Table B.1-1 Agriculture & Open Space Element

Section	Ordinance	Discussion
AGP17: Agricultural Buffers	Protect land designated Agriculture and other lands in production agriculture by using natural or man-made buffers where adjacent to non-agricultural land uses in accordance with the agricultural buffer policies adopted by the Board of Supervisor.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances do not specifically require establishment of buffers adjacent to agricultural uses, however individual projects which involve non-agricultural development in agricultural areas will be reviewed in compliance with the County's buffer policy. With the implementation of mitigation measure AG-6(a), impacts will be reduced.
AGP18: Location of Improvements	Locate new buildings, access roads, and structures so as to protect agricultural land.	Potentially Inconsistent: Refer to General Response 1
AGP25: Unique or Sensitive Habitat	Encourage private landowners to protect and preserve unique or sensitive habitat.	Potentially Consistent: Refer to General Response 2.
AGP26: Streams and Riparian Corridors	Encourage private landowners to protect and preserve stream corridors in their natural state and to restore stream corridors that have been degraded. (Applies to "blue line" streams and their associated riparian vegetation.	Potentially Consistent: Refer to General Response 3.
AGP29: Wildlife Corridors	Access trails shall not conflict with agriculture or environmentally sensitive resources and sufficient policing and maintenance should occur so that trails do not result in trespass or in damage to sensitive resources, crops, livestock, other personal property, or individuals.	Potentially Consistent: Refer to General Response 4.
AGP33: Archaeological and Cultural Sites	When reviewing discretionary development, protect sensitive archaeological and cultural sites by avoiding disturbance where feasible.	Potentially Consistent: Refer to General Response 5.
AGP34: Historic Resources	When initiated by landowners, protect the character of significant historical features and settings by implementing the recommendation for historical resources found in the Historic Element of the Environment Plan.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances will provide for consideration of historical resources through the project-specific environmental review process.
OSG 3: Prevent Urban Sprawl	Prevent urban sprawl by maintaining a well-defined boundary between urban/village boundaries and surrounding rural areas.	Potentially Inconsistent: Refer to General Response 6 and 9.



Table B.1-1 Agriculture & Open Space Element

Section	Ordinance	Discussion
OSP10: Land Divisions and Development	Encourage the use of cluster land divisions and cluster development that will locate residential clusters on the least environmentally sensitive portions of the property.	Potentially Consistent: Refer to General Response 2.
OSP11: Conversion of Rural Areas to Urban Lands	Discourage the conversion of rural areas of the county to Urban Lands as designated in this plan through the following actions: 1. Do not expand existing urban or village areas (the Urban Lands designation in this element) until such areas are largely built-out, or additional land is needed to accommodate necessary uses or services that cannot otherwise be accommodated within the existing urban or village area. 3. Urban development shall be annexed to an incorporated city or an existing community services district/county service area. Such annexation shall occur only where cluster development from rural property is to be located adjacent to the urban area or where consistent with resource and service capabilities and orderly extension of urban services.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances will not change any urban reserve lines or urban services lines. Additionally, the proposed ordinances will not hasten or remove impediments to development of urban level uses in rural areas.
OSP15: Wildlife Corridors	Identify and protect key wildlife corridors that link habitat areas, including Major Ecosystems and Natural Area Preserves.	Potentially Consistent: Refer to General Response 4.
OSP17: Development within Unique or Sensitive Habitat	a. On public lands; lands where there are consenting private land owners or land donors; or through the review of proposed land division or discretionary development, require new development and land division to protect unique or sensitive habitat. 1. Avoid significant impact on the habitat, providing for adjustments where alternatives are infeasible or more environmentally damaging. 2. When significant impacts as identified through the CEQA process, the developer of public agency shall implement county-approved mitigation measures consistent with the existing requirements of CEQA. 3. As an alternative to development, encourage the landowner to designate some or all of the site as a "sender site" in a Transfer of Development Credits (TDC) program. 4. Encourage the use of easements or dedications to protect habitat, especially where it is connected to other large areas of unique or sensitive habitat.	Potentially Consistent: Refer to General Response 2.
OSP18: Protection of Streams and Riparian Corridors	a. Protect stream and riparian corridors in their natural state on public lands, where there are consenting private land owners or land donors, through the review of proposed land division or discretionary development. b. Where appropriate, utilize stream and riparian corridors as part of a network of wildlife corridors.	Potentially Consistent: Refer to General Response 3.



Table B.1-1 Agriculture & Open Space Element

Section	Ordinance	Discussion
OSP19: Development within Stream Corridors	On public lands or through the review of proposed land divisions or discretionary development, require projects to protect stream and riparian corridors through the following measures: 1. Establish a building setback of a minimum of 50 feet from the bank of the watercourse or outside the dripline of riparian vegetation, whichever distance is greater. Locate buildings and structures outside the setback. Provide for adjustments where alternatives are infeasible or more environmentally damaging, but the setback shall be no less than 30 feet consistent with the requirements of the Regional water Quality Control Board's Basin Plan.	Potentially Consistent: Refer to General Response 3.
OSP31: Natural Hazards	In areas subject to flood, geological, seismic, or fire hazards, encourage open space uses that are consistent with public safety.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances will not affect existing County policies that promote avoidance of natural hazards with new development.
OSP33: Protection of Archaeological and Cultural Sites	a. In consultation with native Americans and archaeological and conservation organizations, identify significant archaeological and cultural sites that should be acquired or otherwise protected. b. Protect archaeological and culturally-sensitive sites from the effects of discretionary development by avoiding disturbance where feasible.	Potentially Consistent: Refer to General Response 5.
OSP 34: Protection of Historical Resources	Protect the character of significant historical features and settings by implementing the recommendation for historical resources found in the Historic Element of the Environment Plan.	Potentially Consistent: Historic resources will be protected as specified in the mitigation measures provided in Section 4.4, <i>Cultural Resources</i> .

2. CONSERVATION AND OPEN SPACE ELEMENT (DRAFT)

The County is presently in the process of producing a new Conservation and Open Space Element (COSE). This element will replace the 1974 Environmental Plan and the Open Space component of the Agriculture and Open Space Element. Review for consistency is based upon the April 2009 Public Hearing Draft of the COSE.

Table B.1-2 Conservation and Open Space Element Draft

Section	Ordinance	Discussion
Policy AQ 1.1	Encourage compact land development by concentrating new growth within existing communities and ensuring complete services to meet local needs	Potentially Inconsistent: Refer to General Response 9.



Table B.1-2 Conservation and Open Space Element Draft

Section	Ordinance	Discussion
Policy AQ 3.2 Attain Air Quality Standards	Attain or exceed federal or state ambient air quality standards (the more stringent if not the same) for measured criteria pollutants.	Potentially Consistent: Refer to General Response 8.
Policy AQ 3.3 Avoid Air Pollution Increases	Avoid a net increase in criteria air pollutant emissions in planning areas certified as Level of Severity II or III for Air Quality by the County's Resource Management System (RMS).	Potentially Consistent: Refer to General Response 8. These practices will implemented countywide and will not be restricted to just those areas with a Level of Severity II or III.
Policy AQ 4.1 Reduce Greenhouse Gas Emissions	Implement and enforce state legislative or regulatory standards, policies, and programs designed to reduce greenhouse gas emissions.	Potentially Consistent: Refer to General Response 10.
Policy AQ 4.2 Identify Greenhouse Gas Emissions	Quantify, reduce, and mitigate greenhouse gas emissions.	Potentially Consistent: Refer to General Response 10.
Policy AQ 4.4 Development Projects and Land Use Activities	Reduce greenhouse gas emissions from development projects and other land use activities.	Potentially Consistent: Refer to General Response 10.
Policy BR 1.1 Protect Sensitive Biological Resources	Protect sensitive biological resources such as, wetlands, migratory species of the Pacific flyway, and wildlife movement corridors through environmental review of proposed development applications, including consideration of cumulative impacts.	Potentially Consistent: Refer to General Response 11 and 4.
Policy BR 1.2 Limit Development Impacts	Regulate proposed development in areas that contain essential habitat for special-status species, sensitive natural communities, wetlands, coastal and riparian habitats, and wildlife habitat and movement corridors as necessary to ensure the continued health and survival of these species and protection of sensitive areas.	Potentially Consistent: Refer to General Response 2.
Policy BR 1.3 Environmental Review	Require environmental review of development applications pursuant to CEQA and County procedures to assess the impact of proposed development on native species and habitat diversity, particularly special-status species, sensitive natural communities, wetlands, and important wildlife nursery areas and movement corridors.	Potentially Consistent: Refer to General Response 11.
Policy BR 1.4 No Net Loss	Require that development projects are approved with adequate conditions and mitigation measures to ensure the protection of sensitive resources and to achieve "no net loss" of sensitive habitat acreage, values, and function. Give highest priority to avoidance of sensitive habitat. When avoidance is not feasible, require provision of replacement habitat onsite through restoration and/or habitat creation. When onsite mitigation is not feasible, provide for offsite mitigation.	Potentially Consistent: Refer to General Response 2. Mitigation Measure B-2(c) states that the overall goal of biological mitigation shall be to achieve "no net loss."



Table B.1-2 Conservation and Open Space Element Draft

Section	Ordinance	Discussion
Policy BR 1.9 Preserve Ecotones	Require that proposed discretionary development protects and enhances ecotones, or natural transitions between habitat types because of their importance to wildlife. Ecotones of particular concern include those along the margins of riparian corridors, baylands and marshlands, vernal pools, and woodlands and forests where they transition to grasslands and other habitat types.	Potentially Consistent: Refer to General Responses 2 and 4.
Policy BR 1.10 Identify and Protect Ecologically Sensitive Areas	Protect and enable management of ecologically sensitive areas to the maximum extent feasible.	Potentially Consistent: Refer to General Response 2.
Policy BR 1.12 Development Impacts to Corridors	Ensure that important corridors for wildlife movement and dispersal are protected as a condition of discretionary permits. Provide linkages and corridors as needed to connect sensitive habitat areas such as woodlands, forests, and wetlands.	Potentially Consistent: Refer to General Response 4.
Policy BR 1.15 Restrict Disturbance in Sensitive Habitat during Nesting Season	Avoid impacts to sensitive riparian corridors, wetlands, and coastal areas to protect bird-nesting activities.	Potentially Consistent: Refer to General Response 3. Mitigation measures provided will specifically address obligations under the California Fish and Game Code and Migratory Bird Treaty Act.
Policy BR 2.2 Promote Early Consultation With Other Agencies	Require applicants to consult with all agencies with review and/or permit authority for projects in areas supporting wetlands and special-status species at the earliest opportunity.	Potentially Consistent: Grading permits cannot be issued until all necessary state and federal permits have been obtained. Additionally, landowners wishing to grade under an exemption will be notified of their obligation to check with applicable state and federal agencies on permitting requirements before conducting work.
Policy BR 2.6 Development Impacts to Listed Species	Ensure that potential adverse impacts to threatened, rare, and endangered species from development are avoided or minimized through project siting and design. Ensure that proposed development avoids significant disturbance of sensitive natural plant communities that contain special-status plant species or provide critical habitat to special-status animal species. When avoidance is not feasible, require no net loss of sensitive natural plant communities and critical habitat areas.	Potentially Consistent: Refer to General Response 2.



Table B.1-2 Conservation and Open Space Element Draft

Section	Ordinance	Discussion
Policy BR 2.7 Fire Suppression and Sensitive Plants and Habitats	Balance the need for fire suppression and/or vegetation (fuel) management with the need to protect sensitive biological resources. Where possible, design land divisions and development so that fuel-breaks, vegetation, or fuel modification areas that are needed to reduce fire hazards do not disrupt or cause adverse impacts to special-status plant communities or critical habitat for special-status animal species. Fuel-breaks and vegetation or fuel modification areas shall be located on the development side of required setbacks from sensitive features, and shall be in addition to the required setbacks.	Potentially Consistent: Removal of vegetation of fire safety purposes is exempted from the grading ordinance, only when such removal will not include state or federally listed plant species. Individual grading projects will consider the need for removal of vegetation for fire safety purposes as part of the environmental review process.
Policy BR 2.9 Promote Use of Native Plant Species	Landscaping for proposed development will use a variety of native or compatible non-native, non-invasive plant species as part of project landscaping to improve wildlife habitat values.	Potentially Consistent: Erosion and sedimentation control standards in the Grading and Stormwater Management Ordinances encourage the use of native species for long-term erosion control.
Policy BR 3.2 Protection of Native Trees in New Development	Require proposed discretionary development and land divisions to avoid damage to native trees (e.g., Monterey Pines, oaks) through setbacks, clustering, or other appropriate measures. When avoidance is not feasible, require mitigation measures.	Potentially Consistent: Refer to General Response 12.
Policy BR 3.3 Oak Woodland Preservation	Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity, and wildlife habitat.	Potentially Consistent: Refer to General Response 2.
Policy BR 4.1 Protect Stream Resources	Protect streams and riparian vegetation to preserve water quality and flood control functions and associated fish and wildlife habitat.	Potentially Consistent: Refer to General Response 3.
Policy BR 4.2 Minimize Impacts from Development	Minimize the impacts of public and private development on streams and associated riparian vegetation due to construction, grading, resource extraction, and development near streams.	Potentially Consistent: Refer to General Response 3.
Policy BR 4.4 Vegetated Treatment Systems (Low Impact Development Techniques)	Promote use and maintenance of engineered, vegetated treatment systems such as constructed wetlands, vegetated swales, or vegetated filter strips where they will reduce nonpoint source pollution from private and public development.	Potentially Consistent: The Grading and Stormwater Management Ordinances will require that Best Management Practices be employed. Additionally, the ordinance will require that development be designed consistently with the practices in the Low Impact Development Handbook.
Policy BR 4.5 Encourage Stream Preservation on Private Lands	Encourage private landowners to protect and preserve stream corridors in their natural state and to restore stream corridors that have been degraded.	Potentially Consistent: Refer to General Response 3.
Policy BR 5.1 Protect Wetlands	Require development to avoid wetlands and provide upland buffers.	Potentially Inconsistent: Refer to General Response 12.
Policy BR 5.2 No Net Loss of Wetlands	Ensure that all public and private projects avoid impacts to wetlands if feasible. If avoidance is not feasible, ensure no net loss of wetlands, consistent with state and federal regulations and this Element.	Potentially Inconsistent: Refer to General Response 12.



Table B.1-2 Conservation and Open Space Element Draft

Section	Ordinance	Discussion
Policy BR 5.3 Wetland Conversion	Avoid the conversion of wetlands, including vernal pools, to agricultural uses, except where grazing may improve the health and function of those wetlands. Where grazing occurs in and around wetlands and vernal pools, encourage grazing management that improves the health and function of those wetlands.	Potentially Inconsistent: Refer to General Response 12.
Policy BR 5.4 Wetlands on Agricultural Land	Support use of best management practices and proper range uses to minimize impacts to wetlands on agricultural lands.	Potentially Inconsistent: While the agricultural exemption process will require the implementation of recognized agricultural practices and erosion and sedimentation control practices, there will be not be a program for monitoring compliance. Agricultural grading that will directly impact wetlands will, however, be required to obtain entitlements from the US Army Corps of Engineers prior to initiating work.
Policy BR 6.1 Avoid Impacts to Fisheries	Require all proposed discretionary land use projects and land divisions to avoid impacts to freshwater and saltwater fisheries and wildlife habitat to the maximum extent feasible. When avoidance is not feasible, offset potential losses of fisheries and wildlife.	Potentially Inconsistent: Refer to General Response 2.
Policy BR 7.1 Coastal Protection	The County should continue to advocate sound energy and coastal protection policies, and oppose proposals along the San Luis Obispo County coastline that are inconsistent with the County's Local Coastal Program and other County plans and policies.	Potentially Consistent: The Grading and Stormwater Management Ordinances will introduce additional protections to the Coastal Zone. Measures incorporated in the ordinance will ensure an improvement in surface water quality. Introduction of the agricultural exemption will not affect implementation of Coastal Development Permit requirements or restrictions on development in Environmentally Sensitive Habitat Areas (ESHAs). See Section B, Part III for discussion on consistency with the Local Coastal Program.
Policy BR 7.3 Best Management Practices	Support landowners that participate in education and assistance programs and other voluntary and cooperative programs, such as conservation programs offered by the Natural Resources Conservation Service (NRCS) and Resource Conservation Districts (RCDs), that encourage sustainable land management practices (Best Management Practices) that reduce erosion, sedimentation, and nutrient levels in coastal watersheds.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances will continue to use the NRCS and RCDs to operate the collaborative alternative review process. The proposed ordinance revisions would additionally introduce the alternative review process to the Coastal Zone.



Table B.1-2 Conservation and Open Space Element Draft

Section	Ordinance	Discussion
Policy BR 7.4 Sedimentation	Support efforts on public and private lands to keep Chorro Creek, Los Osos Creek, and other watercourses free of excessive sediment and other pollutants to maintain freshwater flow into the Morro Bay National Estuary and the Monterey Bay National Marine Sanctuary, nurture steelhead trout, and support other plant and animal species. On County-owned lands, implement Best Management Practices (BMPs) in order to reduce sediment transport to coastal waters.	Potentially Consistent: Chorro Creek, Los Osos Creek, and Morro Bay are all on the list of impaired water bodies established under the Clean Water Act. Because of this, any project which has a potential to discharge sediment into these bodies will need to obtain coverage under the General Construction Permit overseen by the State Water Resources Control Board (SWRCB). Under the proposed Grading and Stormwater Management Ordinances, such projects will also be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) subject to review by the County. Implementation, monitoring, and inspection of the BMPs required under the SWPPP will result in a reduction of sediment discharge into the impaired water bodies.
Policy CR 4.2 Protection of Native American Cultural Sites	Ensure protection of archaeological sites that are culturally significant to Native Americans, even if they have lost their scientific or archaeological integrity through previous disturbance. Protect sites that have religious value, even though no artifacts are present. Protect sites that contain artifacts, which may have intrinsic value, even though their archaeological context has been disturbed.	Potentially Consistent: Refer to General Response 5.
Policy CR 4.4 Development Activities and Archaeological Sites	Protect archaeological and culturally sensitive sites from the effects of development by avoiding disturbance where feasible. Avoid archaeological resources as the primary method of protection.	Potentially Consistent: Refer to General Response 5.
Policy CR 4.5 Paleontological Resources	Protect paleontological resources from the effects of development by avoiding disturbance where feasible.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances will provide for consideration of paleontological resources through the project-specific environmental review process.
Policy CR 4.6 Resources-Based Sensitivity	Protect archaeological resources near streams, springs and water sources, rock outcrops, and significant ridgetops, as these are often indicators of the presence of cultural resources.	Potentially Consistent: Refer to General Response 5.
Policy OS 4.1 Define Urban Areas to Prevent Sprawl	Prevent urban sprawl by maintaining a well-defined boundary between urban/village boundaries and surrounding rural areas.	Potentially Inconsistent: Refer to General Response 9.
Policy SL 1.1 Prevent Loss of Topsoil in All Land Uses	Minimize the loss of topsoil by encouraging broad-based cooperation between property owners, agricultural operators, agencies, and organizations that will lead to effective soil conservation practices on farmlands and on County-controlled properties.	Potentially Consistent: Agricultural grading will need to maintain consistency with recognized agricultural practices, such as those found in the Field Operations Technical Guide produced by the Natural Resources Conservation Service. Additionally, grading standards require that topsoil be stockpiled and re-applied to disturb lands.



Table B.1-2 Conservation and Open Space Element Draft

Section	Ordinance	Discussion
Policy SL 1.2 Promote Soil Conservation Practices	Require erosion and sediment control practices during development or other soil-disturbing activities on steep slopes and ridgelines. These practices should disperse storm-water so that it infiltrates the soil rather than running off, and protect downslope areas from erosion.	Potentially Consistent: Refer to General Response 13.
Policy SL 1.3 Minimize Erosion Associated with New Development	Avoid development, including roads and driveways, on the steeper portions of a site except when necessary to avoid flood hazards, protect prime soils, and protect sensitive biological and other resources. Avoid grading and site disturbance activities on slopes over 30%. Minimize site disturbance and protect existing vegetation as much as possible.	Potentially Consistent: The project will introduce a prohibition on grading on slopes over 30 percent in the inland portion of the County. Such a prohibition already exists in the Coastal Zone. With the exception of limited agricultural exemptions to this requirement, any grading proposed to occur on slopes in excess of 30 percent will need to seek approval through the Variance process. This requirement will implement proposed Conservation and Open Space Element Implementing Action SL 1.3.2.
Policy SL 2.1 Protect Watersheds and Aquifer Recharge Areas	Give high priority to protecting watersheds, aquifer-recharge areas, and natural drainage systems when reviewing applications for discretionary development.	Potentially Consistent: The grading ordinance will maintain existing requirements and standards pertaining to groundwater recharge. Additionally, these requirements and standards will be carried over into the Coastal Zone Land Use Ordinance where they do not presently exist.
Policy SL 3.1 Conserve Important Agricultural Soils	Conserve important agricultural soils as mapped by the USDA Natural Resources Conservation Service, including Prime Farmland, Soil of Statewide Importance, Other Productive Soils, and Highly Productive Rangeland Soils.	Potentially Inconsistent: Existing ordinance standards outside of the Coastal Zone do not generally prohibit or restrict non-agricultural development from occurring on prime agricultural soils. An exception is for specific uses limited under Chapter 22.30 of the Land Use Ordinance. The Grading and Stormwater Management Ordinances do not propose to add such restrictions. Additionally, the incorporation of the 30 percent slope restriction identified as Implementing Action SL 1.3.2 could have the unintended consequence of forcing non-agricultural development on lower slopes where prime farmland exists. Refer to General Response 1.
Policy VR 1.1 Adopt Scenic Protection Standards	Adopt and maintain ordinance standards for development to avoid diminishing or intruding upon important scenic landmarks, views and landscapes. Adoption and implementation of scenic protection standards shall not interfere with agricultural uses on private lands consistent with AGP30.	Potentially Consistent: Refer to General Responses 11 and 14.



Table B.1-2 Conservation and Open Space Element Draft

Section	Ordinance	Discussion
Policy VR 2.1 Develop in a Manner Compatible with Historical and Visual Resources	Through the review of proposed development, encourage designs that are compatible with the natural landscape and with recognized historical character, and discourage designs that are clearly out of place within rural areas.	Potentially Consistent: Refer to General Responses 11 and 14.
Policy VR 2.2 Site Development and Landscaping Sensitively	Through the review of proposed development, encourage designs that emphasize native vegetation and conform grading to existing natural forms. Encourage abundant native and/or drought-tolerant landscaping that screens buildings and parking lots and blends development with the natural landscape.	Potentially Consistent: Refer to General Responses 11 and 14.
Policy VR 4.4 Scenic Preservation Collaborative Efforts	Work with property owners to preserve prominent ridgelines and scenic backdrops through open space agreements, contracts, or other appropriate instruments along designated scenic corridors.	Potentially Consistent: Refer to General Response 11 and 14.

3. DESIGN GUIDELINES

The Design Guidelines were adopted in 1998. The Design Guidelines consist of design objectives, guidelines, and examples that will help retain and enhance the unique character of the unincorporated communities and rural areas of the County. The goals of the Design Guidelines include conservation of resources and the environment, distinction between urban and rural areas, consistency with local context, appropriate scale, non-motorized transportation, urban vitality, and the conservation of rural landscape.

Table B.1-3 Design Guidelines

Section	Ordinance	Discussion
Goal 1 -Conservation of Resources and the Environment	Development should respect the key natural and built resources on each site, including on-site ecological systems, vegetative communities, major trees, water courses, land forms, archaeological resources, and historically and architecturally important structures. a. Conserve special areas which are identified as having high ecological sensitivity. Examples of resources to preserve include riparian corridors, oak and pine woodlands, and estuaries. b. Conserve special areas which are considered as having high visual sensitivity. Examples of resources to conserve and enhance include undeveloped ridgelines and major geologic features such as the Morros.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances include measures which will require conservation of natural areas as part of the site design. In addition, the implementation of mitigation measures in this EIR and County standard conditions of approval will be assessed during individual project review.



Table B.1-3 Design Guidelines

Section	Ordinance	Discussion
Goal 2 - Distinction Between Urban and Rural Areas	Create a clear distinction between urban and rural areas, expressed through differences in density and design. a. Create and maintain clear community edges for urban and village areas and prevent sprawl by using open space buffers, greenbelts, clustered development and other appropriate types of landscaping, gateways and changes in design. b. At the edges of rural areas, design low-density development to maintain a rural character, and preserve natural features such as fields, hillsides, and streams.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances will require the implementation of mitigation measures identified to ensure that aesthetic impacts from rural development are reduced. These measures along with County standard conditions of approval will be assessed during individual project review.
Objective RC-1	Creek corridors should be protected and enhanced.	Potentially Consistent: Refer to General Response 3
RC-1 Guidelines	a. Location of development- Building development, roadway construction, and introduced landscaping should be located away from the top of a creek bank consistent with adopted standards or outside the dripline of riparian vegetation to avoid significant impacts on the habitat. Adjustments are possible where alternatives are infeasible or more environmentally damaging. c. Creek enhancement - Where existing creeks have been degraded, development may include enhancement of creek channels (consistent with maintaining proper creek flow) to create natural looking creek corridors, including retention of existing native vegetation, planting of new native vegetation, naturalistic erosion control measures and prohibition of grazing. Where creek enhancement is completed as a part of a project, a creek setback may be reduced.	Potentially Consistent: Refer to General Response 3.
Objective RC-5	Existing habitats should be retained wherever possible.	Potentially Consistent: Refer to General Response 2.
RC-5 Guidelines	a. Habitat protection - Habitat protection priorities are to save oak woodlands and protect links between habitats to protect or preserve wildlife corridors. Habitat protection should take precedence over individual tree preservation, except for landmark trees. .	Potentially Consistent: Refer to General Response 2.

4. ECONOMIC ELEMENT

The Economic Element was adopted in 1999. The goals of the Economic Element recognize the importance of economic activity in enabling the residents of San Luis Obispo to find employment and pursue the lifestyles that they value. The goals are to promote a strong and viable local economy by pursuing policies that balance economic, environmental, and social needs of the county; create a diverse economy; assure the provision of strategically located opportunities for economic development; and to provide support for economic development in the County. The policies and programs for each goal describe principles that will guide decision-making and actions that will be taken to achieve those goals.



Table B.1-4 Economic Element

Section	Ordinance	Discussion
Policy 1c	Balance the capacity for growth with the resources available.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances will not affect implementation of Growth Management Ordinance requirements, which are designed to ensure that growth does not exceed resource capacity.
Program 1c1	Continue to use the resource management system to evaluate infrastructure system capacities and constraints.	Potentially Consistent: The proposed Grading and Stormwater Management relies on the resource management system to evaluate infrastructure system capacities and constraints.
Policy 1e	Protect open space resources that make SLO County an attractive place for economic development.	Potentially Consistent: Refer to General Response 7. The proposed project will maintain agricultural exemptions, which will encourage continued use and expansion of agricultural production. Agricultural land constitutes a large portion of the open spaces in the County and contributes to its attractiveness for economic development. This relates both to agricultural production and tourism.
Policy 1f	Protect agricultural resources that make San Luis Obispo County an attractive place for economic development.	Potentially Consistent: Refer to General Response 7.
Policy 4g	Simplify development review procedures and provide incentives for development to locate where plan policies encourage it to occur.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances will clarify commonly misinterpreted sections of the inland grading ordinance and will introduce agricultural exemptions to the Coastal Zone.

5. ENVIRONMENTAL PLAN

The Environmental Plan was adopted in 1974. The Environment Plan is comprised of three individual elements: the Conservation Element, Historic Element, and Esthetic Element. The purpose of the plan is for the County to maintain a high-quality environment.

Table B.1-5 Environmental Plan

Section	Ordinance	Discussion
Basic Goals and Policies	4. Careful planning and management should be undertaken to prevent or correct degradation of the environment.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances provide for incorporation of conditions and mitigation measures that would encourage protection of environmental resources.



Table B.1-5 Environmental Plan

Section	Ordinance	Discussion
Recommendations for Groundwater Management	6. Groundwater protection should be an important consideration in all future planning by the County.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances include provisions for groundwater recharge.
Recommendations for Air Resources	1. Air quality needs must be an important consideration in the County's population and land use policies, with emphasis on population and economic growth management in order to preserve the county's air resources.	Potentially Consistent: Refer to General Response 8.
Recommendations for Soil Conservation	5. Urban development on prime agricultural land should be avoided.	Potentially Inconsistent: Refer to General Response 1.
Recommendations for Plant Conservation	2. Whenever possible, development should be directed toward those areas where valuable plant communities have been obliterated, rather than expanding into undisturbed areas.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances include requirements that significant habitat areas be conserved where possible.
Recommendations for Wildlife Conservation	1. Future County planning efforts should include a greater emphasis on wildlife conservation. Area general plans should be changed where necessary to protect important habitat in fringe and urban areas. Additional emphasis should be placed on containing growth within established urban areas, rather than disturbance of habitat from scattered development in rural areas. 2. The County, in cooperation with the State Department of Fish and Game, should prepare a detailed wildlife analysis for the County. Areas of key habitat should be mapped, including nesting or breeding areas, important movement and migration patterns for various species, and areas particularly valuable for wildlife. This study should supplement the endangered species inventory and concentrate on non-endangered species. 8. The list of important ecological areas in San Luis Obispo County should be used as a guide, and updated as new information becomes available. Every effort should be made to protect these sites.	Potentially Consistent: Refer to General Response 2.

6. FRAMEWORK FOR PLANNING - STRATEGIC GROWTH POLICIES

In May 2009, the Framework for Planning (Part I of the Land Use Element) was amended by the Board of Supervisors to incorporate strategic growth policies and principles. The purpose of these policies and principles is to encourage locating new growth in urban areas and to reduce expansion into rural areas.



Table B.1-6 Framework for Planning – Strategic Growth Policies

Section	Ordinance	Discussion
Principle 1, Policy 3	Preserve and sustain important water resources, watersheds and riparian habitats.	Potentially Consistent: Refer to General Response 3.
Principle 1, Policy 4	Preserve and protect the air quality of the county by seeking to exceed or at least maintain the minimum state and federal ambient air quality standards.	Potentially Consistent: Refer to General Response 8.
Principle 1, Policy 6	Encourage the protection and use of agricultural land for the production of food, fiber and other agricultural commodities, and support the rural economy and locally-based commercial agriculture.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances will introduce the agricultural exemption and alternative review processes to the Coastal Zone. These programs will be effectively maintained in the inland areas.
Principle 1, Policy 7	Give highest priority to avoiding significant environmental impacts from development through site and project design. Where such impacts cannot be avoided, minimize them to the maximum extent feasible.	Potentially Consistent: Criteria for approval of grading plans require that projects be designed consistently with the characteristics and constraints of the site. Any project with the potential for significant impacts to occur will be evaluated individually through the environmental review process.
Principle 2, Policy 1	Maintain rural areas in agriculture, low-intensity recreation, very low-density residential uses, and open space uses, that preserve and enhance a well-defined rural character.	Potentially Inconsistent: Refer to General Response 6.
Principle 2, Policy 3	Plan for most future development to be within existing and strategically planned cities and communities.	Potentially Inconsistent: Refer to General Response 6.
Principle 3, Policy 1	Protect and restore the valuable history, cultures, images and identity of communities and rural areas.	Potentially Consistent: Refer to General Response 5.
Principle 3, Policy 2	Protect rural areas between communities to achieve well-defined communities within an attractive rural setting.	Potentially Inconsistent: Refer to General Response 6.
Principle 9, Policy 1	Minimize administrative delays and costs to fee payers in the administration of the Land Use Element.	Potentially Consistent: Refer to General Response 15.
Principle 9, Policy 2	Expedite development review procedures and provide incentives, such as reduced fees for facilities and other project-related costs, for projects that implement these principles.	Potentially Consistent: Refer to General Response 15.



Table B.1-6 Framework for Planning – Strategic Growth Policies

Section	Ordinance	Discussion
Principle 9, Policy 3	Encourage public participation in planning and development review, and consider the needs of all affected persons.	Potentially Consistent: Certain categories of grading projects are subject to environmental review pursuant to the California Environmental Quality Act (CEQA). The County's CEQA guidelines provide for a review period for any Initial Study/Negative Declaration issued. Interested parties may file a "request for review" on any Initial Study/Negative Declaration during the allotted review period. If a request for review is filed it will cause a duly noticed public hearing to occur in order to consider the environmental determination. This is in addition to the public review/comment period already applied under CEQA. This procedure is not affected by the proposed Grading and Stormwater Management Ordinances.
Principle 9, Policy 4	Use easy-to-understand language and media to convey proposals and ideas clearly.	Potentially Consistent: Some revisions to the existing grading ordinances were proposed to clarify commonly misinterpreted provisions.

7. SAFETY ELEMENT

The Safety Element was adopted in 1999. The two basic principles of the Safety element are to be ready for disaster and to manage development to reduce risk.

Table B.1-10 Safety Element

Section	Ordinance	Discussion
Flood Hazard: Standard S-16	To the extent practicable, do not allow development in areas of high flood hazard potential.	Potentially Consistent: Existing county policies regarding development in Flood Hazard areas are maintained. Projects which cannot avoid development in Flood Hazard areas are required to comply with existing combining designation standards and are also required to supply a drainage plan.
Fire Safety: Policy S-13	New development should be carefully located, with special attention given to fuel management in higher fire risk areas. Large, undeveloped areas should be preserved so they can be fuel-managed. New development in fire hazard areas should be configured to minimize the potential for added danger.	Potentially Consistent: Refer to General Response 16.



Table B.1-10 Safety Element

Section	Ordinance	Discussion
Fire Safety: Standard S-30	Site homes near one another to the extent practicable to reduce the need for multiple response teams during fires. Require that the subdivision design be reviewed by fire safety personnel. Require the clustering of lots or buildings in high and very high fire hazard areas as appropriate. New developments in high and very high fire hazard areas should maintain open areas large enough to allow for control burns and other vegetation management programs.	Potentially Consistent: Refer to General Response 16.
Geologic & Seismic Hazards: Standard S-57	New development will not be permitted in areas of known landslide activity unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development.	Potentially Consistent: The proposed Grading and Stormwater Management Ordinances will require new development in areas known to have a high landslide potential to be processed as engineered grading. This will require the preparation of an engineering geology report and geotechnical (soils) report. Recommendations and practices outlined in the report will need to be incorporated into the project design and implementation.

